

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:10-CV-446-D**

JAMES F. BENNETT, et al.,

Plaintiffs,

v.

HOFFMANN-LA ROCHE, INC., et al.,
An Ohio Corporation,

Defendants.

ORDER

This Cause comes before the Court upon a joint motion by the parties for entry of a protective order regarding discovery in this case. [DE-30].

Generally, parties in a civil action may obtain “discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense.” Fed. R. Civ. P. 26(b)(1). Upon a showing of good cause, however, the court may “issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c)(1). A court may also require that trade secrets “or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way.” Fed. R. Civ. P. 26(c)(1)(G).

The instant case is a pharmaceutical products liability action. The parties submit that the asserted claims for faulty design, marketing, testing, warning and manufacturing are likely to generate significant amounts of pretrial discovery documents. In addition, the parties state that some of the discovery materials to be produced by Plaintiffs, including a graphic video of Daniel

Bennett's death, are of such a nature that unrestricted access and dissemination should be avoided to protect legitimate privacy interests. Given the sensitive nature of the discovery likely to be produced, the parties contend a protective order is needed to expedite the flow of discovery documents, preserve the integrity of truly confidential information, trade secrets, and commercial and proprietary information, protect the parties' legitimate privacy interests with regard to materials of a graphic nature, promote the prompt resolution of disputes over confidentiality, and facilitate the preservation of documents worthy of protection.

For good cause shown, the motion for a protective order [DE-30] is GRANTED. The undersigned has reviewed the protective order filed by the parties and finds it reasonable. The proposed protective order [DE-30] is therefore ADOPTED as this Court's order. It is ORDERED that the proposed protective order [DE-30] be entered as the protective order governing this case.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Monday, May 23, 2011.



WILLIAM A. WEBB
UNITED STATES MAGISTRATE JUDGE